

From: bmarsh@jrobertsandco.com [mailto:bmarsh@jrobertsandco.com]  
Sent: Monday, November 21, 2005 12:16 PM  
To: ATR-Real Estate Workshop  
Subject:

Robert N. 'Bob' Marsh, CRS, GRI  
Designated Broker  
J. Roberts and Company  
6263 N. Scottsdale #295A  
Scottsdale, AZ 85250  
480-483-6464, Toll free 1-866-483-6464  
Cell: 480-529-2936, Fax: 602-388-8195  
bmarsh@jrobertsandco.com

---

November 21, 2005

Antitrust Division  
U.S. Department of Justice  
Liberty Place, Suite 300  
Attention: Lee Quinn  
325 7<sup>th</sup> Street, NW  
Washington, DC 20530

RE: Competition and the Real Estate Workshop – Comment, Project No. V050015

To Whom It May Concern:

I have been active in the real estate industry as a sales professional since 1977. Whew! Is it ever competitive. I would challenge anyone who has thoughts to the contrary to go into any real estate market in the United States and search out the number of transactions each month and divide by the number of real estate practitioners licensed and actively doing business in that locality. The numbers will bear out that there is a definite competition for each and every transaction. Not only do you have small ratio when looking at trades per licensee, you still have to divide the total transactions by two – one side for the sale and one for the listing - in most cases the licensee does not represent both the buyer and the seller.

Another indicator of the competitive nature of the business is evidenced by the number of licensees who enter the business and exit the business in a short time – they cannot make a living on so few transactions.

We compete every day for the opportunity to perform service for the buyer or for the seller. The real estate business is not a retail business, but a service business. We are not unlike attorneys who represent clients. Many attorneys do not advertise for their business, but as a real estate practitioner, if we do not advertise, we do not attract the business needed to continue in this competitive business.

As for competitive “policy” in the real estate industry – there is no policy except for survival of the fittest. There is no collusion determining how we compete. Granted, there may be some rules and ethics to follow, but our spirit of competition with cooperation does not constitute a “policy”. Whatever we do in cooperation is not unlike

the information system doctors use in prescribing the right cure for their patient's ills – if doctor's did not work together, illness could perpetuate – if real estate practitioners did not work together, clients needs would not be met.

Our competition is healthy, alive and for the good of mankind, how is yours?

Respectfully submitted,  
Robert N. Marsh  
5013 E. Flossmoor Avenue  
Mesa, Arizona 85206